

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	Civil Action No.
v.	:	99-2496 (GK)
	:	
PHILIP MORRIS USA INC.,	:	
f/k/a PHILIP MORRIS INC., <u>et al.</u> ,	:	
	:	
Defendants.	:	

Order # 411

Defendant British American Tobacco (Investments) Limited ("BATCo") has filed a Motion for a Protective Order Regarding Compliance with Order No. 343 ("Compliance Motion"); the United States opposes the Compliance Motion and has filed a Cross Motion for a Finding of Contempt Against BATCo and for Imposition of Continuing Monetary Sanctions ("Cross Motion"). Upon consideration of the Compliance Motion, the Cross Motion, and the entire record herein,

it is hereby

ORDERED that BATCo's Motion for a Protective Order Regarding Compliance with Order No. 343 is **denied**; and it is further

ORDERED that the United States' Cross Motion for a Finding of Contempt Against BATCo and for Imposition of Continuing Monetary Sanctions is **GRANTED**; and it is further

ORDERED that BATCo is found, conditionally, to be in civil contempt of this Court for its failure to comply with Orders #343 and #354; and it is further

ORDERED that to purge itself of this conditional finding of civil contempt, BATCo shall fully comply with Order #343 by producing to the United States or logging as privileged the documents encompassed within that Order no later than **9:00 a.m. EST on October 17, 2003**; and it is further

ORDERED that BATCo shall notify the Court of its compliance with the Court's Order by filing a status report no later than **11:00 a.m. EST on October 17, 2003**; and it is further

ORDERED that BATCo's failure to come into compliance with Order #343 will lead to the imposition of a fine of **\$25,000** per day of non-compliance, to be paid into the Registry of the Court.

Date

Gladys Kessler
United States District Court Judge

Copies served upon:

Hon. Richard A. Levie (Ret.)
Sharon Y. Eubanks, Esq.
Jonathan M. Redgrave, Esq.
Leonard A. Feiwus, Esq.
David L. Wallace, Esq.